

KANAB PLANNING COMMISSION MEETING

OCTOBER 6, 2015

KANE COUNTY COMMISSION CHAMBERS

PRESENT: Chair Pro Tem Joan Thacher, Arlon Chamberlain, Stuart Allan, Byard Kershaw, Jeff Yates, Business/Land Use Coordinator Gary McBride, Jeff Stott of Kanab City Legal Council and Secretary Katherine Ohlwiler.

NOT IN ATTENDANCE: Chairman Teresa Trujillo, Mike Downward, Representative for the City Council Kent Burggraaf.

MEETING STARTED AT 6:30 PM

APPROVAL OF MINUTES: Arlon Chamberlain made a motion to approve the minutes of September 15, 2015 with the amended changes. Jeff Yates 2nd the motion.

PUBLIC COMMENT: None

DUANE BARNSON DISCUSS CHANGING ZONING ON PARCEL K-16-15A-ANNEX FROM Ra TO RR-1:

Duane Barnson wanted to get a preliminary view from the Planning Commission of the potential for a zone change on a piece of property that Shirley Shumway owns. The property is in an agricultural zone and she would like to sell it knowing that someone will want to build a house on it. The Planning Commission suggested knowing what the surrounding properties are zoned.

PUBLIC HEARING. CREATION OF MINOR SUBDIVISION WITH 3 LOTS LOCATED AT 196 NORTH 200 EAST:

Tom Avant explained that this was already approved as a minor subdivision a while back with the contingency that they originally had a line going through an existing shed and weren't meeting the setbacks. So they had to demolish a couple of sheds before they could record it, they did one of them but couldn't do the other at that point in time ultimately moving the lines in order to fit what was there.

Don Sprecher explained that the Sherratt's get their irrigation water from 200 North but that water line will have to be brought down on the Castle side with an easement.

Jeff Yates made a motion to go in and out of Public Hearing at the call of the chair.

Out of Public Hearing.

Arlon Chamberlain made a motion to recommend to the City Council the approval of the minor subdivision at 196 N 200 E and note the findings that it has been approved by the City Engineer, Alpha Engineering and it was noted that they had misaddressed it but now noted correctly that it is the right address and it's also noted that this was previously approved but not completed. Jeff Yates 2nd the motion. Motion passed.

PUBLIC HEARING. DISCUSSION AND RECOMMENDATION FOR REVISIONS TO THE KANAB CITY LAND USE ORDINANCE CONSIDERING BANNING SMOKE SHOPS, VAPE SHOPS, ETC. THE CHANGES MAY

AFFECT CHAPTERS 1,4,6,16,17,18,20 (AND ANY RELATED CHAPTERS) OF THE KANAB CITY LAND USE

ORDINANCE: Into Public Hearing.

Lexi Little with the Southwest Public Health Department presented her slide show on e-cigarettes and on banning Tobacco Specialty Shops.

Don Sprecher wondered if they are taxed like tobacco.

Lexi Little replied that they are not taxed.

Allen Gilberg expressed that they are already sold in gas stations and grocery stores and you're not trying to limit that.

Lexi Little explained that there is no way they could limit what is already being sold, this is just for the specialty shops that is selling these specific products that are really appealing to kids.

Allen Gilberg questioned that you're trying to pass a law that you don't need for something you can't have anyway. He also stated that since it's only allowed to be sold in gas stations and grocery stores, there needs to be some sort of education about it because it seems like you've already achieved it.

Rob Van Dyke explained that there are studies that show every time there is a regulation placed against tobacco, the following year the rates in youth usage decrease and so that's advertising, placement for sale, where they are being sold, and the facts weren't just saying that could only be for tobacco it could also be for specialty tobacco products.

Lexi Little explained that they are trying to do everything they can to make sure they prevent the youth of this town from using these products.

Don Sprecher wondered if they are taking this education to our schools.

Caralee Woods explained that we had to change a lot to allow sexually oriented businesses, how is it that we can legally say that you can't have a smoke shop but you have to have availability for sexually oriented businesses.

Jeff Stott explained that sexually oriented businesses are a first amendment right, as for tobacco, state code specifically gives cities and counties the ability to deny business licenses or to have more stringent requirements than what the state requires you to have.

Tom Avant informed the commission that there was someone who was actively looking for a place to open one of these shops.

Rob Van Dyke expressed that the City could ban all sales of tobacco products but in general people don't go that far in banning an adult product that they can use but statistics show that these specialty shops are where a large portion of the youth is getting it and it's a huge effect on the youth. He continued saying that another part of it that usually goes hand in hand is the illegal activity that happens with it.

Tom Avant wondered if the City has ability to regulate product placement.

Don Sprecher commented that an entrepreneur comes to Kanab and wants to open a shop that has multiple things for sale and also selling a small percentage of e-cigarettes, he believes the strongest thing for awareness is educating the youth.

Out of Public Hearing.

Stuart Allan made a motion to recommend to the City Council to prohibit retail tobacco specialty businesses as defined in the staff report that they be banned:

- 1) The establishment and/or operation of a retail tobacco specialty business is prohibited in all of Kanab City.
- 2) Kanab City shall not issue a business license to any retail tobacco specialty business for use in any zone.
- 3) The use of a properly obtained business license for the operation of a retail tobacco specialty business in any zone in Kanab City is prohibited.

Whereas Kanab City has an interest in promoting a tobacco-free lifestyle to citizens and especially youth of the community; and

Whereas Utah Code 10-8-41.6 gives cities the power to deny business licenses to retail tobacco specialty businesses; and

Whereas Kanab City has concern that retail tobacco specialty businesses may use business licenses as a way to subvert the law and sell illegal drugs and paraphernalia; and

Whereas Kanab City desires a tax base of high quality business uses;

Whereas Tobacco Shops are not sufficiently regulated in their tobacco sales.

Jeff Yates 2nd the motion. Motion passed.

STAFF REPORT: None

COMMISSION MEMBER REPORT: None

COUNCIL MEMBER LIASON REPORT: None

Byard Kershaw adjourned.

Chairman

Date